

**REMARKS**

Claims 46-61 and 70-78 are pending in the application. Claims 46, 55, 70 and 77 are independent and have been amended. Dependent claims 49-53, 56-61, 71-76 and 78 have also been amended.

Many of the claims have been amended to recite a “portable” computer system, instead of a “handheld” computer system. Basis for this amendment is at page 9, lines 1-3, of the specification as originally filed.

In paragraph 5 of the Office Action, claims 46-61 and 70-78 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0065732 (Rodgers) in view of U.S. Patent Application Publication No. 2002/0069263 (Sears) and U.S. Patent Application Publication No. 2002/0091700 (Steele).

Claim 46 is directed to a method of distributing software between portable computer systems. Files on a first portable computer system are demarked by a first user, the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user. Then, summary information with respect to the demarked files is automatically transferred from the first portable computer system to the second portable computer system when the first portable computer system and the second portable computer system are within a communication range according to a communication protocol. The summary information consists of descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files.

An advantage of the invention of claim 46 is that a user of the second portable computer system can automatically obtain information about files, such as application programs, without (a) connecting to the Internet, (b) connecting to a desktop computer, and (c) needing to navigate a complicated procedure to search for files.

Other advantage of the invention of claim 46 are that (i) since only descriptive information about demarked files is automatically transmitted, and not the demarked files themselves, the transmission is quick because the descriptive information is shorter than the demarked files, and (ii) the descriptive information, being short, occupies less precious storage space on the second portable computer system than would be occupied by the demarked files themselves. These are important advantages, since portable computer systems typically have limited communication bandwidth and limited storage space.

In short, the method of claim 46 automatically finds information for the user of the second portable computer system without involvement by the user, improving convenience.

Rodgers teaches that consumer A may instruct PDA 90 to beam a copy of a selected file to PDA 190 belonging to consumer B ([0028]).

Rodgers also teaches server 18 connected to the Internet and storing descriptive information (metadata) for a content file. When the user of PDA 90 purchases the content file, server 18 downloads the content file and the metadata, via the Internet, to desktop computer 80, and then the user downloads the content file and the metadata to PDA 90. As set forth in Rodgers:

[0025] Following update of the user licensee directory, the user licensee identifier DOI<sub>2</sub>QX<sub>p</sub>/F, together with metadata 64 (in this example the title of the artist, the name of the song, and the filename of the file in the content store 20), and a further identifier 66 known as a hash, which together comprise the complete licence data set, are bundled into a message 70 together with content 60. The hash provides a further security measure to ensure that the content is genuinely what it purports to be, and is an identifier such as a character string generated by processing the content itself through a known program. One analogy for the hash is the chassis number on a vehicle ostensibly identified perfectly adequately through the number or licensee plate visible to all. The message 70 is then sent via the network, which in the present example is the internet, to the consumer A (whose user ID with commercial distributor Y is UID<sub>A</sub>), who downloads the new content 60, and licence data 62 from a desktop computer 80 to a personal digital assistant (PDA) 90.

Claim 46 differs from Rodgers in at least the following four ways:

- Claim 46 calls for a first user to demark files on a first portable computer system, the demarking indicating that the demarked files are available for downloading by a second portable computer system by a second user. In contrast, Rodgers teaches that the first user selects a particular file for immediate downloading to a second user; that is, Rodgers *teaches away* from demarking files *available* for downloading as required by claim 46, by instead teaching selecting a particular file for *immediate* downloading.
- Claim 46 calls for automatically transferring summary information with respect to the demarked files from the first portable computer system to the second portable computer

system when the first portable computer system and the second portable computer system are within a communication range according to a communication protocol. In contrast, Rodgers teaches manually transferring a selected file from the first to the second portable computer, thereby *teaching away* from automatically transferring as required by claim 46.

- Claim 46 calls for the summary information to consist of descriptive information associated with the demarked files, the descriptive information being devoid of the demarked files. In contrast, Rodgers teaches that what is transmitted is the selected file, which *teaches away* from transmitting information devoid of the demarked files as required by claim 46.
- Claim 46 calls for descriptive information to be transmitted from a first portable computer system to a second portable computer system. In contrast, Rodgers teaches descriptive information that is stored on a server, transmitted to a desktop computer and thence to a portable computer system. Rodgers fails to show or suggest that the descriptive information is sent from a first portable computer system to a second portable computer system, but does show the descriptive information being transmitted in other paths, thereby *teaching away* from the invention of claim 46.

In sum, *Rodgers depicts the conventional prior art problems* that the present invention solves, namely, Rodgers requires a first user to have an Internet connection, a desktop computer, and the savvy to find a desired file, download it to the desktop and then download it to the PDA.

Rodgers requires a second user to manually ask the first user to transfer the file, and requires the first user to have the savvy to accomplish the file transfer. Rodgers does not provide a way for the second user to get the descriptive information about the file.

To recapitulate, the invention of claim 46 enables a second user to obtain descriptive information about a file, automatically, without action by a first or second user, without an Internet connection and without a desktop computer.

At the middle of page 4 of the Office Action, the Examiner asserted that Rodgers does not teach metadata, and cited Sears for its teaching of metadata.

However, as noted above, Rodgers teaches metadata in paragraph [0025]. Accordingly, it is improper to combine Sears with Rodgers and redesign Rodgers as part of the combination. In

fact, both Sears and Rodgers teach metadata stored on a server connected to the Internet, so Sears is merely cumulative to Rodgers.

Sears fails to cure the deficiencies of Rodgers with respect to claim 46.

At the top of page 6 of the Office Action, the Examiner noted that Sears does not disclose a portable computer system that includes the metadata database, and cited Steele for its teaching of storing a database on a portable computer and transferring an application and a database between two portable computers.

Steele teaches that a user of a first portable computer system may select a dictionary application and its database and beam them to a second portable computer system:

[0172] The two other options available in this dialog box are **Mark New Terms as Copy-Enabled 3505** which when checked functions to automatically check the **Allow Definition To Be Copyable** option on any new terms created which allows the definition to be copied from the dictionary to another application on a portable computer, and the **Make Database Beamable 3507** which when turned on, lets a user beam the dictionary application and its database to a different portable computer. The user can set the “beamed copy” of the dictionary to act as a time-limited demo, active for 1, 15, or 30 days, or can be set to an unlimited time (no timelimit). (emphasis added)

Steele is merely cumulative to Rodgers, which teaches that the user of a first portable computer system may select a file and beam it to a second portable computer system. Importantly, Steele’s database is part of its dictionary application, and is not descriptive information about the dictionary application that is devoid of the dictionary application, as required by claim 46.

Steele fails to cure the deficiencies of Rodgers with respect to claim 46.

Since each of Sears and Steele fails to cure the deficiencies of Rodgers with respect to claim 46, claim 46 is not made obvious by any proper combination of Rodgers, Sears and Steele.

Claims 47-54, in depending from claim 46, incorporate all of its features, and so each of these claims is patentable over the cited prior art for the reasons discussed above.

Claim 55 is similar to claim 46, and includes the features that distinguish claim 46 from any proper combination of the cited prior art. Claims 56-61, in depending from claim 55, incorporate all of its features. Accordingly, each of claims 55-61 is patentable over the cited prior art for the reasons discussed above.

Claim 70 is similar to claim 46, and includes the features that distinguish claim 46 from any proper combination of the cited prior art. Claims 71-76, in depending from claim 70, incorporate all of its features. Accordingly, each of claims 70-76 is patentable over the cited prior art for the reasons discussed above.

Claim 77 is similar to claim 46, and includes the features that distinguish claim 46 from any proper combination of the cited prior art. Claim 78, in depending from claim 77, incorporates all of its features. Accordingly, each of claims 77-78 is patentable over the cited prior art for the reasons discussed above.

Withdrawal of the rejection of claims 46-61 and 70-78 under 35 USC 103(a) is requested.

A Notice of Allowance is solicited.

The Examiner is invited to contact the undersigned to discuss any issues that will advance the prosecution of this application.

Respectfully submitted,

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